

## CHAMBER ACTION

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1 The Health & Families Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to substance abuse and mental health  
7 services; amending s. 394.655, F.S.; revising the duties  
8 of the Florida Substance Abuse and Mental Health  
9 Corporation; requiring the corporation to ensure the  
10 provision of services that promote recovery and  
11 resiliency-based systems of care; requiring that certain  
12 members appointed to the corporation be primary consumers  
13 of mental health or substance abuse services or family  
14 members of primary consumers of such services; defining  
15 the term "primary consumer"; delaying the date when  
16 provisions establishing the corporation are scheduled to  
17 expire; amending s. 394.66, F.S.; revising and providing  
18 additional legislative intent with respect to the  
19 substance abuse and mental health services provided by the  
20 Department of Children and Family Services and its  
21 providers and continuity of care for persons having a  
22 mental illness who are released from a state correctional  
23 facility; repealing s. 3, ch. 2003-279, Laws of Florida,

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24 relating to an expiration date of certain provisions of  
 25 law relating to the Mental Health and Substance Abuse  
 26 Program Offices and the appointment of the Assistant  
 27 Secretary for Substance Abuse and Mental Health and other  
 28 personnel; providing an effective date.

29

30 Be It Enacted by the Legislature of the State of Florida:

31

32 Section 1. Subsections (3), (6), and (11) of section  
 33 394.655, Florida Statutes, are amended to read:

34 394.655 The Substance Abuse and Mental Health Corporation;  
 35 powers and duties; composition; evaluation and reporting  
 36 requirements.--

37 (3) (a) The Florida Substance Abuse and Mental Health  
 38 Corporation shall direct efforts designed to improve interagency  
 39 coordination of substance abuse and mental health services in  
 40 order to ensure that these services promote recovery and  
 41 resiliency-based systems of care. The corporation shall provide  
 42 oversight of the publicly funded substance abuse and mental  
 43 health systems and make policy and resource recommendations that  
 44 will promote system transformation by providing mechanisms for  
 45 input from stakeholders, including primary consumers, family  
 46 members, providers, and advocates, concerning the management of  
 47 the overall system, and that ~~be responsible for oversight of the~~  
 48 ~~publicly funded substance abuse and mental health systems and~~  
 49 ~~for making policy and resources recommendations which will~~  
 50 improve the coordination, quality, and efficiency of the system.

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51           **(b)** Subject to and consistent with direction set by the  
52 Legislature, the corporation shall ~~exercise the following~~  
53 ~~responsibilities:~~

54           **1.** Identify systemic needs for substance abuse and mental  
55 health services and for recovery and resiliency-based systems of  
56 care.

57           **2.** Identify specific needs for substance abuse and mental  
58 health services and for recovery and resiliency-based systems of  
59 care for each state agency that funds, purchases, or provides  
60 such services.

61           **3.** Facilitate improved coordination and collaboration  
62 among state agencies that fund, purchase, or provide substance  
63 abuse or mental health services in order to support recovery and  
64 resiliency-based systems of care.

65           **4.** Identify impediments to implementing recovery and  
66 resiliency-based systems of care for substance abuse and mental  
67 health programs.

68           ~~1. Review and assess the collection and analysis of needs~~  
69 ~~assessment data as described in s. 394.82.~~

70           ~~2. Review and assess the status of the publicly funded~~  
71 ~~mental health and substance abuse systems and recommend policy~~  
72 ~~designed to improve coordination and effectiveness.~~

73           ~~3. Provide mechanisms for substance abuse and mental~~  
74 ~~health stakeholders, including consumers, family members,~~  
75 ~~providers, and advocates to provide input concerning the~~  
76 ~~management of the overall system.~~

77           ~~4. Recommend priorities for service expansion.~~

78 | ~~5. Prepare budget recommendations to be submitted to the~~  
 79 | ~~appropriate departments for consideration in the development of~~  
 80 | ~~their legislative budget requests and provide copies to the~~  
 81 | ~~Governor, the President of the Senate, and the Speaker of the~~  
 82 | ~~House of Representatives for their consideration.~~

83 | ~~6. Review data regarding the performance of the publicly~~  
 84 | ~~funded substance abuse and mental health systems.~~

85 | ~~7. Make recommendations concerning strategies for~~  
 86 | ~~improving the performance of the systems.~~

87 | ~~8. Review, assess, and forecast substance abuse and mental~~  
 88 | ~~health manpower needs and work with the department and the~~  
 89 | ~~educational system to establish policies, consistent with the~~  
 90 | ~~direction of the Legislature, which will ensure that the state~~  
 91 | ~~has the personnel it needs to continuously implement and improve~~  
 92 | ~~its services.~~

93 | (c)~~(b)~~ The corporation shall work with the department and  
 94 | the Agency for Health Care Administration to assure, to the  
 95 | maximum extent possible, that Medicaid and department-funded  
 96 | services are delivered in a coordinated manner, using common  
 97 | service definitions, standards, and accountability mechanisms.

98 | (d)~~(e)~~ The corporation shall also work with other agencies  
 99 | of state government which provide, purchase, or fund substance  
 100 | abuse and mental health programs and services in order to work  
 101 | toward fully developed and integrated, when appropriate,  
 102 | substance abuse and mental health systems that reflect current  
 103 | knowledge regarding efficacy and efficiency and use best  
 104 | practices identified within this state or other states.

105        ~~(e)-(d)~~ The corporation shall develop memoranda of  
 106 understanding that describe how it will coordinate with other  
 107 programmatic areas within the department and with other state  
 108 agencies that deliver or purchase substance abuse or mental  
 109 health services.

110        (6) (a) The corporation shall be comprised of 12 members,  
 111 each appointed to a 2-year term, with not more than three  
 112 subsequent reappointments, except that initial legislative  
 113 appointments shall be for 3-year terms. Four members shall be  
 114 appointed by the Governor, four members shall be appointed by  
 115 the President of the Senate, and four members shall be appointed  
 116 by the Speaker of the House of Representatives.

117        1. The four members appointed by the Governor must be  
 118 prominent community or business leaders, two of whom must have  
 119 experience and interest in substance abuse and two of whom must  
 120 have experience and interest in mental health.

121        2. Of the four members appointed by the President of the  
 122 Senate, one member must represent the perspective of community-  
 123 based care under chapter 409, one member must be a primary  
 124 consumer ~~former client~~ or family member of a primary consumer of  
 125 client of a publicly funded mental health services ~~program~~, and  
 126 two members must be prominent community or business leaders, one  
 127 of whom must have experience and interest in substance abuse and  
 128 one of whom must have experience and interest in mental health.

129        3. Of the four members appointed by the Speaker of the  
 130 House of Representatives, one member must be a primary consumer  
 131 ~~former client~~ or family member of a primary consumer of ~~client~~  
 132 ~~of a publicly funded~~ substance abuse services ~~program~~, one

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133 member must represent the perspective of the criminal justice  
134 system, and two members must be prominent community or business  
135 leaders, one of whom must have experience and interest in  
136 substance abuse and one of whom must have experience and  
137 interest in mental health. The Secretary of Children and Family  
138 Services, or his or her designee, the Secretary of Health Care  
139 Administration, or his or her designee, and a representative of  
140 local government designated by the Florida Association of  
141 Counties shall serve as ex officio members of the corporation.

142 (b) As used in this subsection, the term "primary  
143 consumer" means a person who voluntarily identifies himself or  
144 herself as a person who is currently receiving, or has in the  
145 past received, mental health or substance abuse services from a  
146 public or private provider or agency; who can articulate shared  
147 experiences, such as stigmatization, psychotropic medications,  
148 suicidal ideation, seclusion or restraint, benefit eligibility,  
149 trauma, or violence history, which are similar to the  
150 experiences of other persons who have received such services;  
151 and who voluntarily acts as an advocate for the improvement of  
152 mental health or substance abuse services through his or her  
153 vocation or avocation.

154 (c) ~~(b)~~ The corporation shall be chaired by a member  
155 designated by the Governor who may not be a public sector  
156 employee.

157 (d) ~~(e)~~ Persons who derive their income from resources  
158 controlled by the Department of Children and Family Services or  
159 the Agency for Health Care Administration may not be members of  
160 the corporation.

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161        (e)~~(d)~~ The Governor, the President of the Senate, and the  
162 Speaker of the House of Representatives shall make their  
163 respective appointments within 60 days after the effective date  
164 of this act.

165        (f)~~(e)~~ A member of the corporation may be removed by the  
166 appointing party for cause. Absence from three consecutive  
167 meetings shall result in automatic removal. The chairperson of  
168 the corporation shall notify the appointing party of such  
169 absences.

170        (g)~~(f)~~ The corporation shall develop bylaws that describe  
171 how it will conduct its work.

172        (h)~~(g)~~ The corporation shall meet at least quarterly and  
173 at other times upon the call of its chair. Corporation meetings  
174 may be held via teleconference or other electronic means.

175        (i)~~(h)~~ A majority of the total current membership of the  
176 corporation constitutes a quorum of the corporation. The  
177 corporation may only meet and take action when a quorum is  
178 present.

179        (j)~~(i)~~ Within resources appropriated by the Legislature  
180 and other funds available to the corporation, the chairperson of  
181 the corporation may appoint advisory committees to address and  
182 advise the corporation on particular issues within its scope of  
183 responsibility. Members of advisory committees are not subject  
184 to the prohibition in paragraph (d) ~~(e)~~.

185        (k)~~(j)~~ Members of the corporation and its committees shall  
186 serve without compensation but are entitled to reimbursement for  
187 travel and per diem expenses pursuant to s. 112.061.

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188        (1)~~(k)~~ Each member of the corporation who is not otherwise  
 189 required to file a financial disclosure statement pursuant to s.  
 190 8, Art. II of the State Constitution or s. 112.3144 must file  
 191 disclosure of financial interests pursuant to s. 112.3145.

192        (11) This section expires on October 1, 2011 ~~2006~~, unless  
 193 reviewed and reenacted by the Legislature before that date.

194        Section 2. Section 394.66, Florida Statutes, is amended to  
 195 read:

196        394.66 Legislative intent with respect to substance abuse  
 197 and mental health services.--It is the intent of the Legislature  
 198 to:

199        (1) Ensure that a recovery and resiliency-based substance  
 200 abuse and mental health system is implemented by the department  
 201 and its state-funded mental health providers.

202        (2)~~(1)~~ Recognize that mental illness and substance abuse  
 203 impairment are diseases that are responsive to medical and  
 204 psychological interventions and management that integrate  
 205 treatment, rehabilitative, and support services to achieve  
 206 recovery ~~quality and cost-efficient outcomes for clients and for~~  
 207 ~~community based treatment systems.~~

208        (3)~~(2)~~ Promote and improve the mental health of the  
 209 citizens of the state by making substance abuse and mental  
 210 health treatment and support services available to those persons  
 211 who are most in need and least able to pay, through a community-  
 212 based system of care.

213        (4)~~(3)~~ Involve local citizens in the planning of substance  
 214 abuse and mental health services in their communities.



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215        (5)~~(4)~~ Ensure that the department and the Agency for  
216 Health Care Administration work cooperatively in planning and  
217 designing comprehensive community-based substance abuse and  
218 mental health programs that focus on the individual needs of  
219 persons served ~~elients~~.

220        (6)~~(5)~~ Ensure that all activities of the Department of  
221 Children and Family Services and the Agency for Health Care  
222 Administration, and their respective contract providers,  
223 involved in the delivery of substance abuse and mental health  
224 treatment and prevention services are coordinated and integrated  
225 with other local systems and groups, public and private, such as  
226 juvenile justice, criminal justice, child protection, and public  
227 health organizations; school districts; and local groups or  
228 organizations that focus on services to older adults.

229        (7)~~(6)~~ Provide access to crisis services to all residents  
230 of the state with priority of attention being given to  
231 individuals exhibiting symptoms of acute mental illness or  
232 substance abuse.

233        (8)~~(7)~~ Ensure that services provided to persons with co-  
234 occurring mental illness and substance abuse problems be  
235 integrated across treatment systems.

236        (9)~~(8)~~ Ensure continuity of care, consistent with minimum  
237 standards, for persons who are released from a state treatment  
238 facility into the community.

239        (10) Ensure continuity of care, consistent with minimum  
240 standards, for persons with serious and persistent mental  
241 illnesses who are released from a state correctional facility  
242 into the community.

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243        (11)~~(9)~~ Provide accountability for service provision  
244 through statewide standards for treatment and support services,  
245 and statewide standards for management, monitoring, and  
246 reporting of information.

247        (12)~~(10)~~ Include substance abuse and mental health  
248 services as a component of the integrated service delivery  
249 system of the Department of Children and Family Services.

250        (13)~~(11)~~ Ensure that the districts of the department are  
251 the focal point of all substance abuse and mental health  
252 planning activities, including budget submissions, grant  
253 applications, contracts, and other arrangements that can be  
254 effected at the district level.

255        (14)~~(12)~~ Organize and finance community substance abuse  
256 and mental health services in local communities throughout the  
257 state through locally administered service delivery programs  
258 that are based on client outcomes, are programmatically  
259 effective, and are financially efficient, and that maximize the  
260 involvement of local citizens.

261        (15)~~(13)~~ Promote best practices and the highest quality of  
262 care in contracted alcohol, drug abuse, and mental health  
263 services through achievement of national accreditation.

264        (16)~~(14)~~ Ensure that the state agencies licensing and  
265 monitoring contracted providers perform in the most cost-  
266 efficient and effective manner with limited duplication and  
267 disruption to organizations providing services.

268        Section 3. Section 3 of chapter 2003-279, Laws of Florida,  
269 is repealed.

270        Section 4. This act shall take effect upon becoming a law.